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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1652-2017 (O&M)
Date of decision : 8.3.2018

Municipal Corporation Patiala

..... Petitioner

Versus

Teja Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sanjeev Soni, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 26.9.2016 (Annexure P-4), passed by learned Civil Judge (Junior Division), Patiala, vide which an application filed by defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 was allowed and the plaint of the petitioner was rejected on the ground that it is barred by limitation.

I have gone through the copy of the plaint; perused the case file and have heard learned counsel for the petitioner.

It comes out that in the plaint, plaintiff-Municipal Corporation, Patiala states that work for lifting the dead animals was assigned to defendant-respondent for the year 1993-1994 for Rs. 3,01,000/-. On the expiry of work, defendant-respondent did not make the payment of the balance amount of Rs. 1,50,750/-. The suit was filed in the year 2014 i.e. 20 years after the lapse of the limitation period.

The suit for recovery can be filed within a period of three years from the date of payment became due. In this case, in the cause of action clause, limitation is sought to be made from the last legal notice.

I am of the view that legal notice will not extend the limit. The suit was filed after 20 years when the cause of action arose. The limitation was rightly held by the learned trial Court to be governed under Article 112 of the Limitation Act, 1963 which was three years in this case.

In view of above, I do not find any ground to interfere in the impugned order dated 26.9.2016 (Annexure P-4), passed by learned Civil Judge (Junior Division), Patiala.

Dismissed.

Since the main petition has been dismissed, the miscellaneous application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

8.3.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No